REMARKS

Summary

Claims 1-23 are pending in the application. Claims 1-6, 13-18, 20, 21 and 23 have been withdrawn from consideration. Claim 11 has been canceled without prejudice or disclaimer. Claims 7-10, 12, 19 and 22 have been amended without adding new matter. Claims 7-10, 12, 19 and 22 are currently being examined. Claims 7, 19 and 22 are independent claims and the other remaining claims under consideration, i.e., Claims 8-10 and 12, are dependent claims. Applicant respectfully requests reconsideration of Claims 7-10, 12, 19 and 22 in view of the amendments above and the remarks below.

Objections to the Specification

The title of the invention was objected to as being too general. The Examiner suggested changing the title of the invention to "Image processing apparatus and method with pseudo-coded reference data."

Applicant has amended the title as suggested by the Examiner.

The disclosure was objected to do to informalities discussed below.

Paragraph [0057], line 1 which stated "When the switch 101 is off (while interframe…" was objected to because in Fig. 3 in this Off position it is intraframe, not interframe. Paragraph [0057] has been amended as per the Examiner's suggestion.

With regard to paragraphs [0066] and [0151], the Office Action questioned whether the #109 is needed in "the inverse DCT unit 108, and the adder 109." Paragraphs [0066] and [0151] have been amended to delete "and the adder 109" as per the Examiner's suggestion.

The Office Action states that paragraph [0157] states that #106 output data from #13 and #105 which is inconsistent with the data flow depicted in figure 15. Clarification in needed. Paragraph [0157] has been amended for clarity.

Rejections Under 35 U.S.C. § 103

Claims 7-12, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hannuksela et al. (U.S. 2001/0040700 A1), Klein Gunnewiek et al. (U.S. 2003/0086622 A1), and Lee (US 2003/0156198 A1).

Claim 7 is directed to an image processing apparatus and includes: "(a) input means for inputting image data; (b) first coding means for coding the input image data by transforming the input image data into frequency components in units of blocks and coding said frequency components by adaptively using an intracoding mode and an intercoding mode; (c) pseudo-coded reference data generating means for generating pseudo-coded reference by coding frequency components obtained by limiting frequency components which are obtained by transforming image data obtained by performing local decoding on the image data coded by said first coding means; (d) switching means for outputting the pseudo-coded reference data generated by said pseudo-coded reference data generating means when coding process is performed in the intercoding mode; and (e) multiplexing means for outputting combined data obtained by combining the pseudo-coded reference data output by said switching means with the image data coded by said first coding means."

In other words, Claim 7 is characterized by multiplexing image data coded in an intercoding mode, pseudo-coded reference data generated by coding frequency components obtained by limiting frequency components which are obtained by transforming image data obtained by performing local decoding on the image data coded in the intercoding mode, and outputting the multiplexed data, when coding process is performed in the intercoding mode.

In the outstanding Office Action, the Examiner alleges that the multiplexer of the scalable multimedia system will multiplex together enhanced coding data with base coding data. However, it is obvious that the enhanced data cannot be decoded correctly if the frequency components of the base data are limited in the scalable multimedia system.

Therefore, even if the Hannuksela and Klein Gunnewiek references are combined with the Lee reference that teaches limiting the frequency coefficients, the invention of Claim 7 is not taught or suggested from them. Furthermore, the

Hannuksela, Klein Gunnewiek, and Lee references do not teach or suggest the switching means for outputting the pseudo-coded reference data generated by the pseudo-coded reference data generating means when coding process is performed in the intercoding mode.

MPEP 2143.03 states: "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." As described above, the cited and applied references, taken either alone or in combination, do not teach or suggest al of the limitations of Claim 7. Accordingly, a prima facie case of obviousness has not been established and Claim 7 is believed to be allowable.

Independent Claims 19 and 22 include similar features to Claim 7 and are believed allowable for at least the same reasons as Claim 7.

Because each independent Claim is believed allowable, all of the claims depending therefrom, i.e., Claims 8-10 and 12, are also believed allowable for at least the same reasons as discussed above with reference to the independent claims. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

CONCLUSION

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

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Should the Examiner have any questions, the Examiner may contact Applicant's representative at the telephone number below.

Respectfully submitted,

September 2, 2008   /Marlene Klein/

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